

Multiple Agency Fiscal Note Summary

Bill Number: 5245 S SB	Title: Biosolids
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.2	49,000	49,000	49,000	.3	124,000	124,000	124,000	.0	0	0	0
Department of Ecology	Fiscal note not available											
Total \$	0.2	49,000	49,000	49,000	0.3	124,000	124,000	124,000	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

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Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Preliminary 2/24/2023
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Individual State Agency Fiscal Note

Bill Number: 5245 S SB	Title: Biosolids	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/12/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 02/15/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/15/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/15/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The Attorney General's Office (AGO) Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. The Department of Ecology (Ecology) will require only a modest level of legal advice for the development and issuance of a general order to biosolids facilities by January 1, 2027. This assumption would also apply for the development and adoption of rules to establish pollutant limits for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in biosolids, along with sampling and testing methods. Rulemaking would occur from January 1, 2027 through December 31, 2028. ECY assumes new legal services are nominal. Therefore, costs are not included in this request.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5245 S SB	Title: Biosolids	Agency: 303-Department of Health
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.3	0.2	0.3	0.0
Account					
General Fund-State 001-1	0	49,000	49,000	124,000	0
Total \$	0	49,000	49,000	124,000	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/12/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 02/17/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/17/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/18/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SB 5245: Originally set the pollutant limit deadline at July 1st, 2025. The pollutant limits were “based on” EPA’s risk assessment rather than “in consideration of.” Notification of biosolids application was to adjacent landowners rather than residents. There was no mention of basing the pollutant limits on state-specific data. Second generation biosolids and residential/garden use biosolids were not excluded from bulk biosolids definition.

The fiscal impact to the Department of Health (DOH) in Bill S SB 5245 are in:

Section 4: Directs Ecology (ECY) to establish pollutant limits for PFAS in biosolids by Dec. 30, 2026, based on state-specific data and in consideration of EPA’s forthcoming risk assessment. ECY is also to produce a report on state levels of PFAS in biosolids by July 1, 2026. ECY assumes that toxicologists from ECY and DOH would begin to perform a risk assessment on Jan.1, 2025.

Section 7: Directs ECY to consult with an advisory committee of experts, interested parties, and other stakeholders on pollutant limits for PFAS in biosolids. ECY assumes that DOH toxicologists would participate on the advisory committee, including presenting preliminary findings and recommendations.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 4: Directs Ecology to establish pollutant limits for PFAS in biosolids by Dec.30, 2026, based on state-specific data and in consideration of EPA’s forthcoming risk assessment. ECY assumes that toxicologists from ECY and DOH would begin to perform a risk assessment on Jan.1, 2025.

DOH assumes the need for 0.50FTE [TOX3] per year from Jan. 1, 2025- Sep. 30, 2026, who would:

- Research scientific literature and state databases for information on PFAS in biosolids
- Review data on PFAS in biosolids in WA from ECY/EAP
- Review EPA’s expected risk assessment on PFOS and PFOA in biosolids
- Perform a human health risk assessment to establish pollutant levels for multiple PFAS in biosolids for Washington State.

Section 7: Directs ECY to consult with an advisory committee of experts, interested parties, and other stakeholders on pollutant limits for PFAS in biosolids. ECY assumes that DOH toxicologists would participate on the advisory committee, including presenting preliminary findings and recommendations.

DOH assumes this work with the advisory committee is included in the estimated costs for Section 4.

Total Cost for FN:

Fiscal Year 2025: \$49,000 and 0.30 FTE

Fiscal Year 2026: \$98,000 and 0.50 FTE
 Fiscal Year 2027: \$26,000 and 0.10 FTE

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	49,000	49,000	124,000	0
Total \$			0	49,000	49,000	124,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2	0.3	
A-Salaries and Wages		31,000	31,000	78,000	
B-Employee Benefits		10,000	10,000	27,000	
E-Goods and Other Services		6,000	6,000	14,000	
T-Intra-Agency Reimbursements		2,000	2,000	5,000	
Total \$	0	49,000	49,000	124,000	0

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
TOXICOLOGIST 3	103,572		0.3	0.2	0.3	
Total FTEs			0.3	0.2	0.3	0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5245 S SB

Title: Biosolids

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Minor costs to local health departments run by cities that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Counties: Minor costs to local health departments run by counties that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Special Districts: Minor costs to special purpose districts (local health districts) that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: This bill provides a local option for local health departments to maintain a map or list of location of parcels where bulk biosolids have been approved for land application.
- Key variables cannot be estimated with certainty at this time: It is unknown how many local health departments would choose to create and maintain a map of parcels where bulk biosolids have been approved for land application.

Estimated revenue impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Chelsea Mickel	Phone: 518-727-3478	Date: 02/17/2023
Leg. Committee Contact:	Phone:	Date: 02/12/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/17/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/21/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This bill amends requirements at the state level regarding the transportation and permitting of municipal sewage sludge (biosolids), and provides a local option for health districts to maintain documentation of property parcels approved for bulk biosolids land application.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

--Delays the date by which the Department of Ecology (Ecology) must establish pollutant limits for PFAS chemicals in biosolids to December 30, 2026, and requires the limits to be based on state specific data gathered through the study of biosolids in Washington State.

--Directs Ecology to consider the results of EPA's risk assessment, if available, and other accredited risk assessment tools when setting a PFAS standard.

--Authorizes Ecology, if it is not able to complete, with reasonable diligence, the rulemaking establishing the limits by December 30, 2026, to issue a general order to biosolids facilities within the state requiring compliance with any initial PFAS limits determined by Ecology until a permanent rule is in effect.

--Removes provisions directing the program to ensure that biosolids are tested for PFAS chemicals for which a pollutant limit has been established.

--Requires Ecology to adopt rules that require written notice be provided to the residents of properties adjacent to the land application site before land application of bulk biosolids may be approved.

--Specifies that bulk biosolids do not include second generation biosolids products covered under section 4.6.1 of the state general permit and biosolids sold or given away for residential or garden use.

SUMMARY OF CURRENT BILL:

Section 4 requires Ecology to provide written notice to owners whose properties are adjacent to land application sites before land application of bulk biosolids may be approved. Ecology must establish pollutant limits for PFAS chemicals in biosolids, based on the results of the United States environmental protection agency's (EPA) risk assessment for PFAS chemicals in biosolids by December 30, 2026.

Section 5 provides a local option for local health departments to maintain a map or list of locations of parcels where bulk biosolids have been approved for land application.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the original version of the bill, the substitute bill would not change expenditure impacts.

EXPENDITURE IMPACTS OF CURRENT BILL:

This bill provides a local option and would have de minimis indeterminate impacts on local government expenditures.

This bill states that local health departments may choose to maintain a map or list of locations of parcels where bulk biosolids have been approved for land application. There are 30 county health departments in Washington State, in addition to three multi-county health districts and two city-county health departments. A city-county, county, or special purpose district public health department that has a delegated authority agreement from the Department of Ecology would incur minor costs by maintaining the records, which they would offset by increasing fees for biosolid application sites. These tasks form part of existing staff's general workload should a jurisdiction choose the local option. It is unknown how many local health departments would choose to create and maintain these documents.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the original version of the bill, this bill version would not change revenue impacts.

REVENUE IMPACTS OF CURRENT BILL:

This bill would have de minimis indeterminate impacts on local government revenues.

The Department of Ecology collects annual fees for issuing and administering biosolids permits, but this bill does not authorize local governments to collect fees to maintain records of parcels where bulk biosolids have been approved for land application. Only local health departments (LHD) that have a delegated authority agreement from the Department of Ecology would maintain a map and list. These LHDs charge fees to biosolid application sites. If staff had to increase workloads for related mapping, parcel identification, or ensuring proper public notification, they would raise local fees to offset the increased cost for the time needed to maintain this data. For LHDs without the delegated authority, they would most likely rely on Ecology to maintain records, and neither costs nor revenues would be impacted.

SOURCES

Local Government Fiscal Note, SB 5245, (2023)

Municipal Research Services Center

Revised Code of Washington, RCW 70A.226.10, 70A.205.015

Senate Bill Report, SSB 5245, Environment, Energy & Technology Committee, (2023)

Washington State Association of Counties

Washington State Association of Public Health Officials

Washington State Department of Health